Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Unlicensed National Information Infrastructure (U-NII) Devices in the 5Ghz Band	)	ET Docket No. 13-49; FCC 16-68
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	)	

COMMENTS OF THE CITY OF NEW YORK

As the City of New York's Federal Communications Commission (FCC) liaison, the New York City Department of Information Technology and Telecommunications (DoITT), on behalf of the City, submits these comments in response to the above-referenced proceeding. Through these comments, DoITT respectfully reminds the FCC that the City of New York relies on multiple spectrum bands to deliver critical health and safety services. At the same time, the City supports actions that result in the creation of an innovative technological environment that will allow for the possibility of increased availability of unlicensed spectrum. The type of innovation that supports technology development is best encouraged through testing of technologies so long as the programs for testing are not to the detriment of any particular spectrum used by the City. Thus, the City supports the testing of unlicensed use of the 5.9 Ghz band provided that the correct protocols are in place to ensure preservation of the full and meaningful use of the spectrum by DoITT's sister agency, the New York City Department of Transportation (DOT). DOT is responsible for intelligent transportation systems (ITS) and the City's "Vision Zero" program and has other concerns that we strongly feel must be addressed as described below. No unlicensed use of the 5.9 Ghz spectrum should be permitted unless such use is successfully tested not to interfere with ITS safety applications.

The City of New York has significant concerns with proposals to reengineer the dedicated short range communications (DSRC) radio spectrum currently reserved for traffic safety and ITS. If current regulations were to be changed to allow "spectrum sharing", the City of New York supports allowing those devices and systems that are tested to prove that they will cause no harm to traffic safety systems, for example by immediately suspending their communications when they detect the presence of ITS on DSRC. Any impairment to the operation of DSRC will undermine the ITS investments made and being made by the City of New York and many other jurisdictions and the automakers. It could prevent the City of New York and the United States from realizing the benefits of a $20 million grant from the United States Department of Transportation to use DSRC to create a "Connected Vehicle" environment allowing vehicles to communicate with each other, the transportation infrastructure, and other street and sidewalk users such as pedestrians and bicyclists. It could also undermine the nation's work to reduce the 30,000 lives lost yearly in the United States in traffic crashes and the City of New York's Vision Zero efforts to reduce and eliminate traffic deaths and serious injuries.

The FCC is considering major changes to the spectrum reserved for transportation safety and the FCC has sought comments on how to allow unlicensed Wi-Fi devices to use DSRC simultaneously with safety-critical Connected Vehicle applications. Since 2013, the automakers and companies that design and sell Wi-Fi equipment have come to believe that DSRC spectrum sharing with Wi-Fi can work and have put forth proposals that meet the needs of both groups. However, more recent proposals have introduced tremendous uncertainty as to whether enough spectrum will continue to be available to automakers and public agencies to support the full range of traffic safety technologies.

The City strongly objects to any proposal that would weaken the City's Vision Zero initiative or require jurisdictions like the City of New York to undertake a re-engineering and retesting effort before being able to deploy any Connected Vehicle safety applications, delaying implementation and reducing by millions the funding available for deployment. Such an outcome would needlessly require our city to abandon past taxpayer investments made in Connected Vehicle equipment and technology. After nearly a billion dollars in investment by the auto industry and governments at all levels, the City of New York encourages the FCC and the White House to find solutions that will accommodate spectrum sharing without sacrificing safety and current investments.

In 2013, the year before Vision Zero was launched, 298 people were killed while walking, driving, and biking in New York City; last year, there were 232 lives lost in our city due to traffic crashes. This decline in deaths is attributable to the strategies undertaken as part of Mayor Bill de Blasio's Vision Zero initiative, including driver education, targeted

enforcement, infrastructure redesign, a lower citywide speed limit, and new vehicle technology.

Officials and traffic-safety groups agree that more aggressive steps must be taken to continue our momentum and prevent more unnecessary deaths. A critical part of the strategy is to introduce cooperative crash avoidance technologies in vehicles and road infrastructure. New York City was a pioneer in this area, establishing one of the first cooperative crash avoidance test-beds in Manhattan in 2008, in partnership with the major auto makers, as part of an early industry effort to prove vehicle DSRC.

Today, New York City is in the process of building upon this effort to include 10,000 vehicles that will communicate using DSRC: taxis, buses, sanitation vehicles, maintenance vehicles, and commercial vehicles, in one of the nation's largest Connected Vehicle Pilot deployments. Approximately 320 roadside units will allow the infrastructure to communicate using DSRC with vehicles and other street and sidewalk users at critical locations such as intersections along three city corridors. Benefits include reducing deaths and serious injuries through better awareness among and between pedestrians, motorists and bicyclists; reducing pollution; improving traffic flow; reducing the frequency of crashes through curve speed and emergency braking warnings; and increasing the mobility and safety of disabled pedestrians.

New technology deployment is key to accomplishing Mayor de Blasio's goal for achieving zero deaths on New York City roads. The City of New York has been especially encouraged by the efforts now underway by the National Highway Traffic Safety Administration (NHTSA), automakers and consumer electronics manufacturers to set a motor vehicle safety standard for Vehicle-to-Vehicle Communications (V2V) that will further incentivize the integration of crash avoidance technology in cars and mobile devices. According to NHTSA, V2V has the potential to help drivers avoid or lessen the severity of 70% to 80% of vehicle crashes (where the drivers are unimpaired). Major automakers have also created crash avoidance technologies using DSRC in personal mobile devices, and the City of New York will utilize the lessons learned in its Connected Vehicle Pilot to meet its ambitious Vision Zero goal.

Thank you for this opportunity to comment.

Respectfully submitted,

/s/_____

New York City Department of Information Technology and Telecommunications
for
THE CITY OF NEW YORK
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